

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

July 25, 2008

Board of Land  
and Natural Resources  
Lihue, Kauai

Request for Approval of a Special Activity Permit for Dr. Timothy Tricas, Department of Zoology,  
University of Hawaii, and Designated Assistants to Conduct Scientific Research Activities in  
Certain State Marine Waters of the West Hawaii Regional Fisheries Management Area, Hawaii,  
on Various Reef Fish Species

Submitted herewith for your consideration and approval is a Special Activity Permit as authorized in Section 187A-6, Hawaii Revised Statutes (HRS). Section 187A-6 provides that the Department may issue permits no longer than one year (from date of issue) to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources otherwise prohibited by law for scientific, educational, management, or propagation purposes, subject also to Chapter 195D and any other restrictions the Department deems desirable.

Such permits are usually sought by University researchers and their students, professional biologists, consultants, aquariums, or public and private school teachers to either collect aquatic life otherwise considered unlawful, or to use gear otherwise considered unlawful, primarily for the purposes of study or education. Dr. Tricas and his designated assistants propose to capture reef fish species, and study their behavior and record acoustic behaviors. These fishes would be collected using small mesh nets, in areas currently closed to either the use of small mesh nets or the take of aquarium species. Additionally, Dr. Tricas states that capture would be temporary, and all species would be released after observation.

The Division of Aquatic Resources has reviewed the application for impact and made recommendations to conserve resources as well as to minimize impacts to those resources. Among other permit provisions, the Division will require an annual report at the end of the permit period to document the efforts of the collections or activities. This permit does not authorize any work in the Northwestern Hawaiian Islands.

This permit does not contain the primary permittee (Tricas) nor his designated assistants' signatures. If the permit is approved, signatures will be obtained from Dr. Tricas and his assistants before submittal to the Chairperson for final approval.

RECOMMENDATION:

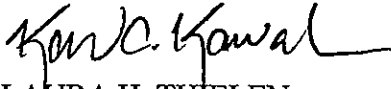
"That the Board Approve a Special Activity Permit for Dr. Timothy Tricas, Department of Zoology, University of Hawaii, and Designated Assistants to Conduct Scientific Research Activities in Certain State Marine Waters of the West Hawaii Regional Fisheries Management Area, Hawaii, on Various Reef Fish Species."

Respectfully submitted,



DAN POLHEMUS  
Administrator

APPROVED FOR SUBMITTAL:

  
*for* LAURA H. THIELEN  
Chairperson

Department of Land & Natural Resources  
DIVISION OF AQUATIC RESOURCES  
1151 Punchbowl Street, Room 330  
Honolulu, Hawaii 96813

Date Issued:

Valid Not Longer Than  
One Year From Date Issued

### SPECIAL ACTIVITY PERMIT

The Department of Land and Natural Resources hereby grants permission for certain activities involving aquatic organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The Permittees are

Name:	Dr. Timothy C. Tricas	Address:	UH Department of Zoology
Title:	Researcher		2538 The Mall
Affiliation:	University of Hawaii		Honolulu, HI 96822

This permit is issued, subject to the general and special conditions, to capture and temporarily hold a variety of reef fishes from closed to collecting areas within the West Hawaii Regional Fisheries Management Area for the purpose of studying fish sounds. This permit allows the taking, possessing, holding, and releasing of marine reef fish species collected under this permit to the waters from which the marine fish were taken. This permit does not authorize the permittee (and any assistants designated on the final page(s) of the permit) to kill any marine life taken from the waters of the State.

Common Name	Scientific Name	Number Specimen	Collecting Location
Wrasses, damselfish, tangs, butterflyfish, menpachi, boxfishes, roi, and other marine fish species	Various	50 Total	West Hawaii Regional Fisheries Management Area

I. GENERAL CONDITIONS:

- A. This permit does not make the Department of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.
- B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.
- C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.
- D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the DAR at least two weeks prior to the change. All personnel changes will require each individual to sign an "Attachment" stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department/DAR.
- F. The permittee may request to:
  - 1. Add assistants to the permit by having each assistant sign an "Attachment" and send the document to DAR;
  - 2. Add another permittee or be replaced by another permittee in the manner stated above; and
  - 3. Change the activities allowed under this permit.
- G. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).
- I. This permit does not authorize the sale of any collected organism.

- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the Division of Aquatic Resources with complete information on all activities authorized under this permit, on the attached Activity Report form.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future permit applications.

## II. SPECIAL CONDITIONS

- A. This permit authorizes the use of a small meshed barrier and hand nets to take a variety of marine reef fish species alive from the closed to aquarium collecting areas of the West Hawaii Regional Fisheries Management Area.

All fish collected under this permit will be returned alive and in good condition the same day, within 4 hours from the time of capture, to the waters from which the fish were collected.

No collections will occur within 200m of any Division of Aquatic Resources fish transect site established for monitoring of the West Hawaii Regional Fisheries Management Area.

- B. The use of any chemical substance is expressly prohibited under this permit.
- C. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Division of Aquatic Resources (see "B", General Conditions, page 2 of this permit).
- D. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity that is in violation of any other State, Federal or County law, regulation or ordinance.

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LAURA H. THIELEN, Chairperson  
Department of Land and Natural Resources

cc: (x) DOCARE  
( ) Special Agent in Charge, USFWS, Honolulu  
(x) DAR – Kona

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit.

PRINCIPAL PERMITTEES: \_\_\_\_\_  
Timothy C. Tricas

DESIGNATED ASSISTANTS:

Signature: _____	Signature: Kelly S. Boyle
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
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Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____

ACTIVITY REPORT

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Permittee Signatures

_____ Printed name	_____ Signature	_____ Date
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_____ Printed name	_____ Signature	_____ Date
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\*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.



ATTACHMENT FOR DESIGNATED ASSISTANTS ONLY

Primary Permittee: Timothy C. Tricas

I, being the primary permittee, hereby acknowledge the addition of the following designated assistants.

\_\_\_\_\_  
Timothy C. Tricas

\_\_\_\_\_  
Date

ADDITIONAL DESIGNATED ASSISTANTS

We, the undersigned, have read, understand, and agree to all conditions stipulated in the above Special Activity Permit.

Signature \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature \_\_\_\_\_

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